

ASSEMBLY BILL

No. 2062

Introduced by Assembly Member Lopez

February 17, 2016

An act to amend Section 11265.47 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as introduced, Lopez. CalWORKs: income reporting: benefit redetermination.

Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using a combination of federal, state, and county funds. Existing law requires the State Department of Social Services to establish an income reporting threshold for CalWORKs recipients, and requires a recipient to notify the county, within 10 days, if the recipient's household income exceeds the reporting threshold. Under existing law, if the county determines that the recipient is ineligible for CalWORKs or the recipient's grant amount should be reduced based on an increase in income, the county is required to discontinue the recipient from CalWORKs or reduce the recipient's grant, with timely and adequate notice, effective the following month. Existing law provides that current and future grants may be reduced because of prior overpayments.

This bill would prohibit the county from assessing an overpayment for the month following a change in income if the recipient has reported the change and the county was unable, before the first of the month following the change in income, to provide 10-days' notice of the termination or reduction in benefits. By increasing the administrative

duties of counties, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11265.47 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 11265.47. (a) The department shall establish an income
- 4 reporting threshold for CalWORKs assistance units described in
- 5 subdivision (a) of Section 11265.45.
- 6 (b) The income reporting threshold described in subdivision (a)
- 7 shall be the lesser of the following:
- 8 (1) Fifty-five percent of the monthly income for a family of
- 9 three at the federal poverty level, plus the amount of income last
- 10 used to calculate the recipient's monthly benefits.
- 11 (2) The amount likely to render the recipient ineligible for
- 12 federal Supplemental Nutrition Assistance Program benefits.
- 13 (3) The amount likely to render the recipient ineligible for
- 14 CalWORKs benefits.
- 15 (c) A recipient described in subdivision (a) of Section 11265.45
- 16 shall report to the county, orally or in writing, within 10 days,
- 17 when any of the following occurs:
- 18 (1) The monthly household income exceeds the threshold
- 19 established pursuant to this section.
- 20 (2) Any change in household composition.
- 21 (3) The household address has changed.

1 (4) An incidence of an individual fleeing prosecution or custody
2 or confinement, or violating a condition or probation or parole, as
3 specified in Section 11486.5.

4 (d) When a recipient described in subdivision (a) of Section
5 11265.45 reports income or a household composition change
6 pursuant to subdivision (c), the county shall redetermine eligibility
7 and grant amounts as follows:

8 (1) If the recipient reports an increase in income or household
9 composition change for the first through 11th months of a year,
10 the county shall verify the report and determine the recipient's
11 financial eligibility and grant amount.

12 (A) If the recipient is determined to be financially ineligible
13 based on the increase in income or household composition change,
14 the county shall discontinue the recipient with timely and adequate
15 notice, effective at the end of the month in which the change
16 occurred.

17 (B) If it is determined that the recipient's grant amount should
18 decrease based on the increase in income, or increase or decrease
19 based on a change in household composition, the county shall
20 increase or reduce the recipient's grant amount for the remainder
21 of the year with timely and adequate notice, effective the first of
22 the month following the month in which the change occurred.

23 (C) *If a recipient has reported a change in income in accordance*
24 *with subdivision (c), an overpayment shall not be assessed for the*
25 *following month if the county was unable to provide 10-days'*
26 *notice of the termination or reduction in benefits before the first*
27 *of the month following the month in which the change occurred.*

28 (2) If the recipient reports an increase in income for the 12th
29 month of a grant year, the county shall verify this report and
30 consider this income in redetermining eligibility and the grant
31 amount for the following year.

32 (e) During the year, a recipient described in subdivision (a) of
33 Section 11265.45 may report to the county, orally or in writing,
34 any changes in income that may increase the recipient's grant.
35 Increases in the grant that result from reported changes in income
36 shall be effective for the entire month in which the change is
37 reported and any remaining months in the year. If the reported
38 change in income results in an increase in benefits, the county shall
39 issue the increased benefit amount within 10 days of receiving
40 required verification.

1 (f) During the year, a recipient described in subdivision (a) of
2 Section 11265.45 may request that the county discontinue the
3 recipient's entire assistance unit or any individual member of the
4 assistance unit who is no longer in the home or is an optional
5 member of the assistance unit. If the recipient's request is verbal,
6 the county shall provide a 10-day notice before discontinuing
7 benefits. If the recipient's request is in writing, the county shall
8 discontinue benefits effective the end of the month in which the
9 request is made, and simultaneously shall issue a notice informing
10 the recipient of the discontinuance.

11 (g) This section shall become operative on the first day of the
12 first month following 90 days after the effective date of the act
13 that added this section, or October 1, 2012, whichever is later.

14 SEC. 2. No appropriation pursuant to Section 15200 of the
15 Welfare and Institutions Code shall be made for purposes of this
16 act.

17 SEC. 3. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.